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Message Text

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DRAFTED BY L/EUR:DHSMALL:MF
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EUR/RPM-MR. DAVISON
L/EUR - MR. RUSSELL
---------- 113436
O 292329Z MAY 75 ZFF4
FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 125422 TOSEC 020117

E.O. 11652: GDS
TAGS: PFOR
SUBJECT: CSCE QUADRIPARTITE RIGHTS & RESPONSIBILITIES
REF(A) SECTO 2040, (B) GENEVA 3996, (C) GENEVA 4006

FOR HARTMAN AND SONNENFELDT FROM VINE

1. FOLLOWING IS SUGGESTED GUIDANCE TO U.S.DEL GENEVA RE LATEST FRENCH QRR TEXT; WHICH L AND EUR RECOMMEND YOU APPROVE BY IMMEDIATE CABLE TO GENEVA, INFO BONN.

2. QUOTE REFERENCES A) SECTO 2040, B) GENEVA 3996, C) GENEVA 4006.

1. WE ARE PERPLEXED AND CONCERNED BY LATEST FRENCH ACTIONS ON QRR TEXT (REFS A AND B), PARTICULARLY THEIR SUGGESTION TO YUGOSLAVS OF TEXT DISCUSSED BY ALLIES ON SEVERAL OCCASIONS IN GENEVA, ELEMENTS OF WHICH U.S., U.K. AND F.R.G. HAVE MORE THAN ONCE CLEARLY REJECTED. FRENCH MAY WELL HAVE COMPLICATED THE NEGOTIATIONS CONSIDERABLY CONFIDENTIAL

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BY GIVING YUGOSLAVS IMPRESSION THAT TEXT HAD POSITIVE PROSPECTS AMONG WESTERN ALLIES.

2. PRIMARY DIFFICULTY REMAINS THAT QRR'S ARE NOT ALL

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"SPECIFICALLY DEFINED" (E.G., GROUND ACCESS ARRANGE-
MENTS, RIGHT OF FREE CIRCULATION IN ALL OF BERLIN) AND

WHILE CASE COULD BE MADE THAT THERE HAS BEEN
"RECOGNITION" OF QRR'S (E.G., IN ARTICLE 107 OF THE
CHARTER AND IN QUADRIPARTITE DECLARATION REGARDING UN
ENTRY), THIS IS ALSO ARGUABLE AND WOULD REPRESENT A NEW
TEST TO WHICH WE DO NOT SEE NEED TO SUBJECT QRR'S.
FURTHER, REGARDING BREZHNEV DOCTRINE, SOVIETS COULD
WELL ARGUE THAT THEIR RIGHTS TO INTERVENE HAVE BEEN
SPECIFICALLY DEFINED AND RECOGNIZED IN THEIR TREATIES
WITH OTHER SOCIALIST STATES.

3. REQUIREMENT OF SPECIFIC DEFINITION AND RECOGNITION
OF QRR'S WOULD SUPPORT SOVIET THEORY THAT WESTERN
ALLIES ONLY HAVE THOSE RIGHTS OBLIGATIONS AND
RESPONSIBILITIES REGARDING BERLIN WHICH HAVE BEEN
SET OUT IN AGREED DOCUMENTS AND THEREFORE THAT
ALLIES HAVE NO "ORIGINAL" RIGHTS IN BERLIN, ONLY RIGHTS
THAT THEY HAVE BEEN GRANTED BY USSR IN AGREEMENTS.
THIS CARRIES WITH IT, IN SOVIET THEORY, CONSEQUENCE
THAT WHAT WE HAVE IS REVOCABLE BY THEM IN CONSEQUENCE
OF OUR VIOLATIONS, OR CAN BE LOST BY US IF THE
AGREEMENTS BECOME INVALID FOR OTHER REASONS, E.G.,
FUNDAMENTAL CHANGES IN CIRCUMSTANCES. WE AGREE WITH
FRG (REF C) THAT, PARTICULARLY IN VIEW OF RECENT
SOVIET NOTE IN THE UN, CHALLENGING "ORIGINAL"
ALLIED RIGHTS, IT WOULD BE MISTAKE TO ADOPT TEXT
SO CLOSELY ADAPTED TO SOVIET THEORY.

4. THUS FRENCH, UK AND FRG SHOULD BE INFORMED ASAP
THAT "SPECIFICALLY DEFINED AND RECOGNIZED" REMAINS
UNACCEPTABLE TO U.S.. WHILE WE BELIEVE THAT FRENCH
SHOULD HAVE TO WALK THE CAT BACK WITH THE YUGOSLAVS;
U.S. DEL MIGHT ALSO INFORM YUGOSLAVS DIRECTLY OF
OUR NEGATIVE REACTION TO THE TEXT, WHILE LEAVING
SUGGESTION THAT POSSIBLE VARIATIONS WOULD HAVE MORE
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PROMISE. WE CONCUR IN USDEL SUGGESTION TO SUBSTITUTE
"UNDER OR IN CONFORMITY WITH INTERNATIONAL LAW" FOR
"SPECIFICALLY DEFINED AND RECOGNIZED" AND RECALL
THAT SOVIETS AGREED TO THIS PHRASE ON MAY 13. (WE
NOTE THAT THEY ALSO FOUND "SPECIFICALLY DEFINED AND
RECOGNIZED" ACCEPTABLE ON THAT DATE.) WE ALSO
CONCUR IN FALLBACK OF DELETING "RESPONSIBILITIES" AND
THERBY REMOVING SOURCE OF NEUTRAL'S DEMAND FOR A
QUALIFIER. FRENCH SHOULD BE REMINDED OF THE IMPORTANCE
WE ATTACH TO ALLIED COORDINATION OF QRR NEGOTIATIONS,
BOTH REGARDING TACTICS AND TEXTS. END QUOTE INGERSOLL

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